

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SIDNEY JACKSON SAMPSON	:	CIVIL ACTION
	:	
v.	:	
	:	
THOMAS H. XAVIOS, et al.	:	NO. 04-04990-JF

MEMORANDUM AND ORDER

Fullam, Sr. J.

March 15, 2007

The *pro se* plaintiff, Mr. Sampson, is suing Berks County and two district justices, for alleged constitutional violations and related torts in connection with plaintiff's various prosecutions for bad-check charges. Plaintiff alleges that, at various times, he was arrested without a warrant, jailed for failure to post bail, and prosecuted more than once for the same offense. (Although the facts are not entirely clear, it appears likely that petitioner may have been prosecuted for bad checks, and later re-prosecuted for failure to make the required restitution - a separate offense under state law.) I have concluded that the defendants' motions to dismiss must be granted.

Berks County cannot be held liable for the actions of district justices, who are state officials. No other basis for imposing liability on the County is alleged or suggested by plaintiff's pleadings. The defendant district justices cannot be held liable, because they are entitled to judicial immunity.

An Order follows.

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ORDER

\_\_\_\_\_AND NOW, this 15<sup>th</sup> day of March 2007, IT IS ORDERED:

1. The motion to dismiss filed by the defendant, the County of Berks, is GRANTED.

2. The motion to dismiss filed by the individual defendants is GRANTED.

3. Plaintiff's motion to deny defendant's motion to dismiss (Dkt. No. 34) is DENIED.

3. This action is DISMISSED with prejudice.

4. The Clerk is directed to close the file.

BY THE COURT:

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/s/ John P. Fullam  
John P. Fullam, Sr. J.